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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,629	02/06/2002	Jack Peng	3179/15	4433

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DAVID E. DOUGHERTY
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/08/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,629

Applicant(s)

PENG, JACK

Examiner

Quoc D Tran

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura (5,987,106) in view of Lagoni et al (6,141,058).

Consider claims 4 and 8, Kitamura teaches method and a picture/sound output equipment with caller identification and volume adjustment functions (abstract; col. 3 lines 14-20; col. 8 lines 44-51), comprising: a main unit provided with buttons and picture/sound output hole for connection to the screen (col. 2 lines 36-54; col. 4 line 61 – col. 5 line 5); and an incoming-call detection circuit connecting to telephone line on one end and connecting to the main unit on the other end (col. 2 lines 58-65; col. 4 lines 5-11).

Kitamura failed to further suggest wherein a main unit provided with buttons and picture/sound output hole for connection to an *amplifier* and wherein said incoming-call detection circuit transforms the messages of incoming call into visual signals and outputs said visual signals and displayed on the screen when an incoming call is detected. However, Lagoni et al teach a television receiver includes an amplifier and detector unit and a telephone network interface circuitry that allows the receiver to receive and process the Caller ID signal for display on the television screen or monitor when a incoming call is detected (col. 1 lines 16-30; col. 1 line 66 – col. 2 line 16; col. 2 lines 34-54; col. 4 lines 4-17, lines 44-54).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Lagoni et al into view of Kitamura in order to assist user in receiving telephone calls while operating his or her entertainment system at excessive level.

Consider claim 5, Kitamura teaches a picture/sound output equipment with caller identification and volume adjustment functions (abstract; col. 3 lines 14-20; col. 8 lines 44-51) wherein the incoming-call detection circuit comprises an alarm circuit for detecting the ringing of incoming calls (col. 4 lines 5-11; col. 5 lines 50-67), and a control circuit connecting to the volume adjustment of main unit (col. 3 line 64 – col. 4 line 4).

Kitamura teaches the call detection mechanism (i.e., modem/telecommunication controller 46) for detecting and control incoming call (col. 4 lines 5-13; col. 5 lines 50-67). Kitamura did not clearly suggest where the modem/telecommunication controller 46 includes a caller identification circuit for identifying caller's phone number and brief message and a transformation circuit for transforming messages into visual messages. However, Lagoni et al teach a television receiver includes detector unit and a telephone network interface circuitry that allows the receiver to receive and process the Caller ID signal for display on the television screen or monitor when a incoming call is detected (col. 1 lines 16-30; col. 1 line 66 – col. 2 line 16; col. 2 lines 34-54; col. 4 lines 4-17, lines 44-54).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Lagoni et al into view of Kitamura in order to assist user in receiving telephone calls while operating his or her entertainment system at excessive level.

Consider claim 6, Kitamura teaches the system wherein the incoming-call detection circuit is provided inside the main unit (col. 2 lines 58-65); and the main unit is provided with phone jack (col. 2 lines 41-45, lines 48-54). It should be noted that telephone devices are notoriously well known to use the standard modular telephone jack for connection. Therefore, one skilled in the art would recognize such arrangements are used for connecting the telephones to the USB controller.

Consider claim 7, Kitamura further suggested wherein the main unit is a VCRs, DVD players, or VCD players (col. 2 lines 63-65).

Response to Arguments

3. Applicant's arguments filed 8/5/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Kitamura and Lagoni et al are directing to a telephone system that interface to a home entertainment system such as television set or home theater system for that provide users with the benefit of enjoying their entertainment without worrying about missing important telephone calls. Therefore, it would have motivated one of the ordinary skills to combine the teaching of Kitamura and Lagoni et al.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Facsimile responses should be faxed to:
(703) 872-9306

Hand-delivered responses should be brought to:
Crystal Park II, 2121 Crystal Drive
Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.

Quoc D. Tran
Patent Examiner AU 2643
December 3, 2003


SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600